



Austin City Council MINUTES

For JUNE 1, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting that Councilmembers Barnstone and Urdy had not yet entered the Council Chamber.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second approved minutes for regular meeting of May 25, 1989 and special meeting of May 22, 1989. (5-0 Vote, Councilmembers Barnstone and Urdy absent.

CITIZEN COMMUNICATIONS

Ms. Shudde Fath discussed illegal signs and graffiti on utility poles and traffic signal controller boxes. She asked for an ordinance against this with fines for offenders.

KEEP AUSTIN BEAUTIFUL AWARD

An award was presented to the City of Austin and accepted by Mayor Cooke for the Keep Austin Beautiful program.

CITIZEN COMMUNICATIONS - Continued

Ms. Betsy Fath-Faure talked about illegal signs and graffiti on utility poles and traffic signal controller boxes. Mr. Gene Johnson, Mr. M.W. Makelbust and Mr. D.G. Jackson did not speak. Mr. Bruce A. Lester discussed selective law enforcement in the downtown area. Mr. Mark Lesly Smith talked about a downtown art museum. Mr. Luther R. Carpenter discussed an ethics complaint filed against Cable Commissioners and City staff on April 13th. Mr. Evel Eldridge was not present. Mr. Alton D. Rison made suggestions for an African-American theatre building in East Austin.

SUMIKEN INQUIRY

Mr. Bob Smith, special counsel who conducted the Sumiken inquiry, was present in the Council Chambers to answer question from the members of the Council concerning his report.

PUBLIC HEARING ON APPEAL SET

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, set a public hearing on an appeal of the Planning Commission's decision to deny an appeal of the development permits for three subdivisions; Spicewood and Bull Creek Section 3 Phase C, Spicewood at Bull Creek Section 4, and the Gardens at Bullcreek P.U.D. on June 22, 1989 at 5:00 P.M. (7-0 Vote)

ITEMS POSTPONED

Postponed to June 15, 1989 was an ordinance to consider reallocation of the 1984 Roadway Bond Funds to the U.S. 183 and U.S. 290/S.H. 71 Projects (Reallocation of \$11.5 million from authorized unissued bonds for various projects in 1984 street fund).

Postponed to June 8, 1989 is consideration of a resolution authorizing and approving a professional services agreement in the amount of \$140,950.00 with Energy Management Associates for Integrated Least Cost Resource Planning Project. Best proposal of 5 - 37.6% M/WBE Participation. 88-S153-PS (Funding available from Electric Utility O & M Budget and Resource Management Department Conservation Fund.)

Postponed to June 8, 1989 is consideration of adopting a construction scheduled for construction of the Austin Art Museum (Laguna Gloria) and directing the City Manager to take all steps necessary to meet this adopted schedule. (\$14,710,000.00 City's share of project budget from C.I.P. funds)

Postponed to June 8, 1989 is consideration of directing staff to issue an RFP for a Cost of Service Consultant as specified in the Electric Utility Commission recommendation.

A request from the Planning Commission for an extension of the Austin Plan review period will be discussed at the morning work session on June 8, 1989.

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (6-0 Vote, Councilmember Barnstone out of the room)

North Austin MUD No. 1

Amended Ordinances Nos. 890420-B, 880505-E, 860130-D and 830505-O and approved the second amendment to the Utility Construction Contract between the City of Austin and North Austin Municipal Utility District No. 1.

Approved the issuance of \$16,300,000.00 in Contract Revenue Refunding Bonds by North Austin Municipal Utility District No. 1. (No fiscal impact on 1988-89 savings. Would accrue to Water and Wastewater Utility in future years.)

LATER IN THE DAY

Later in the day the following motions were made:

Motion to Reconsider

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, reconsidered the items. (5-0 Vote, Mayor Pro Tem Shipman out of the room, Councilmember Humphrey absent.)

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed the following ordinances, all in one motion, designating that there will be compliance with the rates set in the original agreement: (6-0 Vote, Councilmember Humphrey absent)

- Amended Ordinances Nos. 890420-B, 880505-E, 860130-D and 830505-0 and approved the second amendment to the Utility Construction Contract between the City of Austin and North Austin Municipal Utility District No. 1.

- Approved the issuance of \$16,300,000.00 in Contract Revenue Refunding Bonds by North Austin Municipal Utility District No. 1. (No fiscal impact on 1988-89 savings. Would accrue to Water and Wastewater Utility in future years.)

CONSENT ORDINANCES - Continued

Construction Fees

Amended Part 1 of Ordinance No. 880915-Y to apply construction fees to all projects for which the Transportation and Public Services Department has inspection responsibility.

Annexation

Approved annexing the IH-35 right-of-way to the Hays County Line.

Zoning

Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as 1612 Cedar Bend Drive, Case No. C14-87-109, from "SF-1" Single Family Residence (large lot) to "SF-6" Townhouse and Condominium Residence district, Insurance Company of America by Carl P. Conley.

First reading: August 27, 1987; Vote 7-0 Conditions met as follows:
Conditional Overlay incorporates conditions imposed by Council.

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Capital Improvements Program

Authorized and approved Supplemental Amendment No. 1 for the existing agreement with the Joint Venture of the Bower Downing Partnership and Laurie Smith Design Associates for the Emergency Department improvements at Brackenridge Hospital. C.I.P. No. 84/84-02 Estimated cost \$95,000.00 from the Brackenridge 2000 Capital Improvements Funds.

Release of Easement

Authorized release of the 5' Public Utility Easement on Lot 1 Block B, Northwest Hills Section 9A and the 7.5' Public Utility Easement on Lot 3 Block B, Northwest Hills Section 9-J, locally known as 3624 North Hills Drive. (Request submitted by John F. McIntyre on behalf of Dr. W.T. Hold)

Drainage Easement

Authorized release of the Drainage Easement on Lot 27, Block E, Canyon Creek, Section One. (Request submitted by Laurretta Dowd on behalf of the Texas American Bank/Fort Worth)

Public Utility Easement

Authorized release of the Public Utility Easement along the southerly property line of Lot 5-B, Block O, Royal Oak Estates, Section 2, locally known as 5703 Sandhurst Circle. (Request submitted by Caroline M. Jones)

Contract Approved

Approved the following contract:

CAPITOL CITY UTILITIES, INC.
P.O. Box 670
Buda, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
South Austin Regional Wastewater
Treatment Plant Effluent Reuse
System, Purchasing Department
Total \$498,366.25

License Agreement

Approved entering into a License Agreement to allow the

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encroachment of an enclosed pedestrian and forklift access structure between two buildings on adjoining lots, 2128 Braker Lane and 11550 Stonehollow Drive. (Request submitted by Sanford L. Gottesman on behalf of K-Braker K Associates and 12-Crow-Simmons-Gottesman)

EXECUTIVE SESSION

Mayor Cooke announced Council would enter into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Land Acquisition - Section 2, Paragraph f.

(a) Status of land acquisition for the Convention Center

RECESS

Council recessed for executive session from 3:50 to 4:28 P.M.

NO ACTION ON ITEM

Council had before them for consideration a resolution to authorize the City Manager to take appropriate action for property acquisition for the convention center. There was discussion concerning the design of the center, but no action was taken

At this point, Councilmember Humphrey left the Council Chamber.

ZONING HEARING

Mayor Cooke announced Council would hear the following zoning case. Council heard, closed the public hearing and asked that this item be brought back for action on June 8, 1989.

CS14-89-0003 - COX PUBLICATIONS OF TEXAS, INC. by Graves, Dougherty, Hearon, 166 Riverside Drive from "CS", "CS-1, L" to "PUD". RECOMMENDED to grant "PUD" subject to the following conditions: (1) Agreements specified in the letters of April 21, 1989 (the draft landscape and amenities notes) and April 27, 1989, to Ben Luckens. (2) Conditions as recommended by the Environmental Board modified in the case of condition #12 so that Phase I filtration does not have to include runoff from existing rooftops, and filtration of all development within the entire site within 10 years or in conjunction with Phase II improvements which ever comes first. (3) Conditions as recommended by the Waterfront Planning Advisory Board: numbers 1 (modified to require conceptual plans in accordance with PUD requirements), 2,3,7,8 & 11. (4) A height limitation of 96 feet. (5) Landscaping of the entire area between Town Lake and the Hike and Bike Trail in conjunction with Phase I. (6) Limitation on allowable uses to newspaper publishing. (5-2)

(On Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, 6-0 Vote,
Councilmember Humphrey absent)

PUBLIC HEARING - APPEAL

Mayor Cooke opened the public hearing set for 5:00 P.M. on an appeal of the decision of the Electrical Board affecting work to be performed at 2604 Paramount, Austin, Texas.

Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, closed the public hearing, and granted the appeal. (5-0 Vote, Councilmember Humphrey absent, Mayor Pro Tem Shipman out of the room.)

ZONING CASE

Council had before them the following zoning case:

Consider third reading of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as 7200 to 7500 North F.M. 620 Road, Zoning Case C814-89-0001, as follows; from "DR" and "SF-2" district to "PUD" Perot Group by Minter, Joseph & Thornhill. First Reading: April 6, 1989; Vote: 4-3 Councilmembers Humphrey and Nofziger and Mayor Pro Tem Shipman voting "NO". Second reading May 25, 1989; vote: 4-3, Councilmembers Humphrey and Nofziger and Mayor Pro Tem Shipman voting "NO". Conditions met as follows: (1) Ordinance establishing "PUD" district incorporates conditions imposed by Council. (2) Phasing Agreement incorporating conditions imposed by Council has been executed. (3) Restrictive Covenant incorporating Annexation Agreement language imposed by Council has been executed.

Motion - FAILED

Councilmember Nofziger made a motion to postpone the third reading of the above ordinance for one week. Mayor Pro Tem Shipman seconded the motion, which FAILED by a vote of 2-4 with Councilmembers Barnstone, Carl-Mitchell and Urdy, and Councilmember Cooke voting No.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Barnstone to pass through THIRD READING of the ordinance, with the following amendments.

"Clarification on the parkland, which would be for multi-family, the amenities for that will be provided by the owner. The recreational amenities will be equivalent to the requirements under the parkland dedication ordinance, that is multi-family development. There's already been extensive land set aside for habitat preserve. Also, the applicant has agreed to participate in water quality monitoring and that

would be worked out between the applicant and our environmental staff, prior to the issuance of site development permits so we have the water quality monitoring in place and the developer agrees to participate in the cost of that monitoring as a condition to the site development permits and then also, on the pesticide and herbicides, prior to the issuance of the site development on Section 1, Block A, Lots 1 and 2, which is the multi-family section, an agreement regarding the use of herbicides and pesticides on such lot shall be approved by the City of Austin and the Department of Environmental Protection."

John Joseph, representing the applicant, said "we have agreed to all of those and we have worked out the language for the site development plan."

Substitute Motion FAILED

Councilmember Nofziger offered a substitute motion, seconded by Mayor Pro Tem Shipman to approve only the research and development on the Perot Tract and that is to do without the hotel, apartments and retail. MOTION FAILED by a vote of 2-4 with Councilmembers Barnstone, Carl-Mitchell, and Urdy and Mayor Cooke voting No, Councilmember Humphrey absent.

Roll Call on Main Motion

4-2 Vote, Mayor Pro Tem Shipman and Councilmember Nofziger voted No, Councilmember Humphrey absent

BLACKLAND

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted a resolution authorizing an action plan for the purchase of University of Texas property in the Blackland Neighborhood for use as affordable housing. (Purchase price currently unknown; no funds have been identified.)

PROFESSIONAL SERVICES AGREEMENT

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, adopted a resolution authorizing and approving a Professional Services Agreement in an amount not to exceed \$70,000.00, with Bickerstaff, Heath and Smiley, for legal assistance in matters related to the procurement of natural gas for use in the City's generating facilities. (4-0 Vote, Councilmember Urdy and Mayor Cooke out of the room, Councilmember Humphrey absent)

FUNDS FOR Y.W.C.A.

Council had before them for consideration a resolution denying a request from the University Y.W.C.A. for \$10,000.00 from the Social Services Contingency Fund.

Council discussed and generally agreed the funding should be approved.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted a resolution approving a request from the University Y.W.C.A. for \$10,000.00 from the Social Services Contingency Fund. (5-1 Vote, Mayor Cooke voted No, Councilmember Humphrey absent)

APPEAL DENIED

The Council on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, DENIED an appeal from Ms. Leonora C. Aguilar of the Building Standards Board's decision regarding the demolition recommendation for property located at 2601-B Hoeke Lane. (6-0 Vote, Councilmember Humphrey absent)

It was agreed that Ms. Aguilar will demolish her existing building and apply for a 20-year low interest loan to build a new house.

APPOINTMENTS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, appointed Gordon Bennett as a member of the Airport Advisory Board. (5-0 Vote, Councilmember Barnstone abstained, Councilmember Humphrey absent)

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, appointed Betty Edgemond and Hortensia Palomares as members of the Library Commission. (6-0 Vote, Councilmember Humphrey absent)

NO ACTION ON ITEM

No action was necessary on Councilmember Urdy's item to discuss cuts in the community participation portion of the minority participation contracts on the new airport master plan. The problem had been resolved.

ADJOURNMENT

Council adjourned its meeting at 8:17 P.M.